

REMARKS

Claims 1-5, 7-14, and 16-23 are pending in this patent application. Claims 17-23 have been allowed.

In the Office Action, the Examiner rejected claims 1, 2, 4, 5, 7-11, 16, and 24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,182,448 to *Okura et al.* and claim 3 under 35 U.S.C. § 103(a) as being unpatentable over *Okura et al.* in view of U.S. Patent No. 6,502,393 to *Stephenson et al.* The Examiner objected to claims 6 and 12-14 as being dependent on a rejected base claim; however, the Examiner stated that those claims would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Applicant respectfully traverses the above rejections. To advance the prosecution of this application, however, independent claims 1 and 11 have been amended to incorporate the subject matter of claim 6. Applicant submits that the subject matter recited in claims 1 and 11 is neither taught or suggested by the cited references.

Claim 1 recites a hydraulic system including, among other elements, a pressure control device disposed in a second fluid return line and operable to selectively adjust a magnitude of fluid pressure in the second fluid return line, wherein the pressure control device is configured to receive a signal representing a sensed rate of fluid flow through the second return line and increases the magnitude of the fluid pressure in the second fluid return line in response to a decrease in the sensed rate of fluid flow through the second return line, and wherein the pressure control device includes a check valve disposed in the second fluid return line and a proportional reducing valve adapted to control the magnitude of fluid pressure in the second fluid return line. Claim 11 recites a

method including, for example, adjusting a pressure control device disposed in a second return line to selectively adjust a magnitude of fluid pressure in the second return line, the pressure control device having a check valve disposed in the second fluid return line and a proportional reducing valve adapted to control the magnitude of fluid pressure in the second fluid return line.

Okura et al. discloses a speed changing device for a hydraulic driving apparatus. As shown in FIG. 2, the device has a solenoid operated directional control valve 24 that is switched upon receipt of a signal from a control device 60. Then pressure of a pilot pump acts on a back pressure valve 23 so as to control return pressure. *Okura et al.*, however, fails to teach or suggest a hydraulic system including a pressure control device having a check valve disposed in a second fluid return line and a proportional reducing valve adapted to control the magnitude of fluid pressure in the second fluid return line, as recited in claim 1 or a method including adjusting a pressure control device disposed in a second return line to selectively adjust a magnitude of fluid pressure in the second return line, the pressure control device having a check valve disposed in the second fluid return line and a proportional reducing valve adapted to control the magnitude of fluid pressure in the second fluid return line.

Moreover, *Stephenson et al.* fails to teach or suggest the hydraulic system including a pressure control device recited in claim 1 or the method recited in claim 11, and does not cure the deficiencies of *Okura et al.*

Having stated that claim 6 would be allowable if rewritten in independent form in the Office Action, the Examiner appears to consider the subject matter allowable.

For the foregoing reasons, the rejection of claims 1 and 11 should be withdrawn, and the claims should be allowed.

Claims 2-5 and 7-10 depend on claim 1, and claims 12-14 and 16 depend on claim 11; therefore, those claims should be allowed at least by reason of their dependency from claim 1 or 11.

Claim 24 has been cancelled without prejudice or disclaimer of the subject matter thereof. Thus, the rejection of claim 24 should be obviated.

Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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